



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/692,809 Confirmation No. 9683
Applicant : Shinichi Mihara
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TC/A.U. : 2873
EXAMINER : Scott J. Sugarman
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Customer No. : 23838

COMMISSIONER FOR PATENTS
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**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

S I R:

Identification of Person Making This Disclaimer

I, John C. Altmiller (Reg. No. 25,951) of KENYON & KENYON, 1500 K Street, N.W., Suite 700, Washington, D.C. 20005-1257, represent that I am an attorney of record in the above-identified application authorized to sign on behalf of the assignee identified below owning all of the interest in this application.

Identity of Assignee and Title of Disclaimant

The assignee is : OLYMPUS CORPORATION
Address of assignee : 43-2 Hatagaya 2-chome
Shibuya-ku, Tokyo, JAPAN
Title of disclaimant : Attorney of Record

authorized to sign on behalf of assignee.

Extent of Interest

The extent of the assignee's interest is in the whole of this invention.

Disclaimer

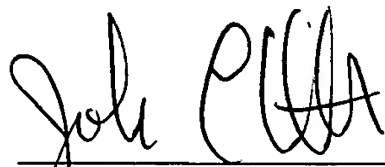
The owner, OLYMPUS CORPORATION, of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of prior U.S. Serial No. 10/638,308. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Please charge Deposit Account No. 11-0600 in the amount of \$110.00 to cover the fee under 37 C.F.R. § 1.20(d).

Respectfully submitted,

Date: May 23, 2005



John C. Altmiller
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